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December 15, 2010

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Notice of Oral *Ex Parte* Communication
***Preserving the Open Internet*, GN Docket No. 09-191**
***Broadband Industry Practices*, WC Docket No. 07-52**
***Framework for Broadband Internet Service*, GN Docket No. 10-127**

Dear Ms. Dortch:

I submit this notice in compliance with Section 1.1206(b) of the Commission's rules.

On December 14, 2010, Chris Riley, Policy Counsel for Free Press, and I had a telephone conversation with Austin Schlick, FCC General Counsel, and Peter Karanjia, Deputy General Counsel. Consistent with our prior filings, we suggested that the Commission can and should revisit the factual underpinnings that support the Commission's conclusion that broadband Internet access service should be classified an information service under the Communications Act. In particular, we argued that the Commission should not delay in recognizing that broadband Internet connectivity is a separable service from other information services with which it may be sold. We also argued that the Commission's predictions regarding whether the information service classification would foster competition have now been soundly discredited. We underlined our continued belief that pursuing the Commission's open Internet proceeding using the Commission's Title I authority creates unnecessary litigation risk.

Very truly yours,

_____/s/____

Aparna Sridhar
Policy Counsel

cc: Austin Schlick
Peter Karanjia